

### REMARKS

The Office Action of June 29, 2007, has been carefully considered.

Objection has been raised to the abstract as not being on a separate sheet of paper. This objection is not understood, as the present specification was forwarded to the United States Patent and Trademark Office by the International Bureau based upon a PCT application. It is the understanding of the undersigned that the PCT requires the Abstract on a separate page. However, in order to expedite resolution of this matter, a new abstract has been provided.

Objection has been raised to the disclosure, and the specification has been amended at page 2, line 21 to change "needle 100" to "needle 101." In addition, descriptions of Figures 1, 2A and 2B have been added to the Brief Description of the Drawings.

Claim 4 has been rejected under 35 USC 112, second paragraph, as being indefinite. It has been alleged that the device cannot include both a mandrel and an antenna since they separately slide within the needle.

This analysis is correct, and Claim 8 (which replaced Claim 4) has been canceled. New Claim 9 recites a kit comprising the microwave device according to Claim 5, and the flexible metal mandrel. Because the device is now in the form of a kit, there is no suggestion that the antenna and the needle are in the device at the same time, only that they are provided together.

Withdrawal of this rejection is requested.

Claims 5 to 8 have been rejected under 35 USC 103(a) over Longo in view of Stadlmayr.

Longo discloses the device according to the admitted prior art, as shown for example, in Figure 1 of the present specification. The Office action alleges that Stadlmayr

discloses an electrode treatment device including a needle having a sharp tip with side ports to permit electrodes to laterally displace from the axis of the needle. The Office action further states that "[a]lthough plural needles are disclosed, Figure 7 shows the needle can include only a single side port. Given this teaching, it would have been obvious to the skilled artisan to use such a needle with the Longo antenna to allow lateral displacement to effect superior treatment."

Both the invention and Stadlmayr deal with the problem of treating a large area through a single penetration of the skin. The solution of Stadlmayr, however, is to allow a plurality of electrodes to be introduced. In Figures 5 and 6, the opening for these electrodes extends over 360°, and the electrode formed is "flower-shaped." In Figure 7, cited in the Office action, a side opening is used which does not extend a full 360°, and the electrodes formed are thus "fan shaped." In any event, a *coaxial antenna* is not disclosed; the electrodes of Stadlmayr may be formed from wires, conductive gases, conductive liquids and liquids which solidify in the body.

The claimed invention solves the problem in a different manner. As shown in Figure 2A, the prior art required a plurality of penetrations to treat a plurality of areas, each treatment with a single coaxial antenna. According to the invention, however, both a single coaxial antenna and a single penetration are used, but after a first treatment has been completed, the antenna is withdrawn into the needle, and the needle is rotated to permit subsequent treatment of an adjacent area.

The Stadlmayr solution to the problem of wide area treatment requires a plurality of fine electrodes, including solidifying liquids, and would not be suitable for use with a

single coaxial antenna as is used according to the invention.

Thus, Stadlmayr solves the problem of avoiding multiple penetrations in a different manner, by providing a plurality of fine electrodes through a large opening, whether 180 or 360°, in order to simultaneously treat a wide area. Since such a solution could not be used with the coaxial antenna according to the invention, there is no suggestion to combine Stadlmayr with Longo. Withdrawal of this rejection is accordingly requested.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



Ira J. Schultz

Registration No. 28666